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10/699,452	10/31/2003	Frances Jiang	20-3-2-19	2851
46290	7590	07/13/2006	EXAMINER	
WILLIAMS, MORGAN & AMERSON 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			EWART, JAMES D	
			ART UNIT	PAPER NUMBER
			2617	

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/699,452
Filing Date: October 31, 2003
Appellant(s): JIANG ET AL.

Sanjeev K. Singh
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 18, 2006 appealing from the Office action mailed March 06, 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0105436	Ament	6-2004
6,366,779	Bender et al.	4-2002
5,945,948	Buford et al.	8-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2,5-9,10,11, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament (U.S. Patent Publication No. 2004/0105436) and further in view of Bender et al. (U.S. Patent No. 6,366,779).

Referring to claims 1 and 10, Ament teaches a method of communication comprising: in response to a request for service (0020), transmitting at least one message comprising existing delay information corresponding with an estimated delay length associated with accessing a service (0021 and 0043), but does not teach accessing a service through an open loop network. Bender et al teaches accessing a service through an open loop network (Column 1, Lines 42-44, Column 2, Lines 59-61 and Column 4, Lines 24-28). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the art of Ament with the teaching of Bender et al of accessing a service through an open loop network to rapidly assign traffic channels (Column 4, Line 15).

Referring to claims 2 and 11, Ament further teaches wherein the estimated delay length comprises at least one time interval between a first instant corresponding with a received service request (0043) and a second instant corresponding with granting service access (0043). The time interval is equated with the length of the waiting time.

Referring to claims 5 and 14, Ament further teaches wherein the estimated delay length corresponds with at least one of traffic congestion, channel condition, system loading (0021 and 0043), processor occupancy, queuing delay, and scheduler delay.

Referring to claims 6 and 15, Bender et al further teaches wherein the open loop network comprises at least one of a wireline network and a wireless network (Column 1, Lines 8-12).

Referring to claims 7 and 16, Ament further teaches comprising: collecting information corresponding with at least one parameter associated with service access (0021 and 0043).

Referring to claim 8, Ament further teaches comprising: determining at least one pattern associated with the at least one parameter (0021 and 0043).

Referring to claims 9 and 17, Ament further teaches wherein the at least one parameter comprises at least one of traffic, channel condition, and service demand (0021).

2. Claims 3,4,12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable by Ament and Bender et al in view of Buford et al. (U.S. Patent No. 5,945,948).

Referring to claims 3 and 12, Ament and Bender et al teach the limitations of claims 3 and 12, but do not teach wherein the service request is autonomous and generated at a predefined moment in time. Buford et al. teaches wherein the service request is autonomous and generated at a predefined moment in time (Column 17, Lines 63-65). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Ament and Bender et al with the teaching of Buford et al. wherein the service request is autonomous and generated at a predefined moment in time to automatically send new access requests when requests are not received (Column 17, Lines 63-65)

Referring to claims 4 and 13, Buford et al. further teaches wherein the predefined moment in time comprises at least one of a periodic (Column 17, Lines 63-65) and an aperiodic instant.

(10) Response to Argument

Appellant argues that Ament does not teach sending an *estimated* delay length. Ament teaches in 0002 “The resource manager reserves a service from a providing bus user if the service is free and sends a response to a requesting bus user so that the requesting bus user can use the service from the providing bus user via the data bus.” and further states in 0021 that “A resource conflict arises when a requested resource has already been engaged. ...A requesting bus user can indicate whether it needs to be put into a waiting list if the service is engaged.” As shown in Figure 2 an application sends a service request 9 to the resource manager. And in response the resource manager sends a response to the request 14, which includes the *waiting*

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time for the service (see 0043). Appellant's specification is silent about an estimated delay length and instead discusses a computed delay length. Thus, the Examiner equates Appellant's estimated delay length with Ament's waiting time. In addition, the time to accomplish a communication service can vary based on the communication conditions, which can alter the throughput i.e. the more interference, the less the throughput and therefore, the waiting time is an estimate.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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